

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In Re:  
**MARIBEL TORRES GUZMAN**  
Debtor(s)

Case No.: **04-10827 GAC**  
Chapter 13

**TRUSTEE'S MOTION TO DISMISS**

TO THE HONORABLE COURT:

**NOW COMES** José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. There is CAUSE for this case dismissal as the Debtor(s) is (are) in **material default** with respect to the terms of the confirmed plan (or proposed plan). As of **March 9, 2006** the default is equal to **\$3,600.00** or **8** month(s). 11 U.S.C. §1307(c)(6)

2. There is CAUSE for this case dismissal as the above described default and/or situation constitutes an **unreasonable delay** prejudicial to creditors. 11 U.S.C. 1307(c)(1)

**WHEREFORE** the Trustee respectfully prays that this motion be granted and that an order dismissing this case be entered for ***cause*** pursuant to 11 U.S.C. §1307(c) for the reasons herein set forth.

**30 DAYS NOTICE:** Pursuant to General Order No. 05-09, the Debtor(s), his/her/their counsel of record, and all those parties in interest who have filed a notice of appearance in this case, are hereby notified that unless a party in interest files an objection hereto within 30 days from the date of this notice, the case may be dismissed or converted without the need of further notice or hearing.

**CERTIFICATE OF SERVICE:** The Chapter 13 Trustee herewith certified that a copy of this motion has been served on this same date, to their respective address of record to: Debtor (s), to their counsel and to all those parties in interest who have filed a notice of appearance by First Class Mail if not an ECFS registered user.

In San Juan, Puerto Rico this 9<sup>th</sup> day of March, 2006.

**JOSE R. CARRION**  
CHAPTER 13 TRUSTEE  
P.O. Box 9023884, Old San Juan Station,  
San Juan, P.R. 00902-3884  
Tel (787) 977-3535  
FAX (787) 977-3550

By: /s/ Jose R. Carrion

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
MARIBEL TORRES GUZMAN

DEBTOR (S)

CASE NO. 04-10827-GAC

CHAPTER 13

AFFIDAVIT FOR DEFAULT JUDGEMENT  
PURSUANT TO SECTION 201(b) (4)  
OF THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003

I , ENRIQUE GONZALEZ , clerk for the Chapter 13 & 12 Trustee's Office, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by the Department of Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as a member(s) of the Army, Navy or Air Forces of the United States of America; the National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

To certify the above statement I sign this affidavit,

In San Juan, Puerto Rico, March 07, 2006.

*Enrique Gonzalez*

Department of Defense Manpower Data Center

MAR-07-2006 11:19:44



Military Status Report  
Pursuant to the Service Members' Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
TORRES	MARIBEL		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, the above is the current status of the individual, per the Information provided, as to all branches of the Military.

Robert J. Brandewie, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Service Members Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are most strongly encouraged to contact us by phone at (703-696-6762). We will then conduct further research. Your failure to re-contact DMDC may cause provisions of the SCRA to be invoked against you.

This response reflects current active duty status only. For historical information, please contact the military services SCRA point of contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>.

**WARNING:** This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:YPWA WWBQSZ